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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,820	12/09/2003	Guillermo Guzman	H201493-008	4366
8698	7590	11/30/2005	EXAMINER	
STANDLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			KIM, YOON YOUNG	
			ART UNIT	PAPER NUMBER
			1723	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,820

Applicant(s)

GUZMAN ET AL.

Examiner

Yoon-Young Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1203</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 20 objected to because of the following informalities: Claim 20 is a dependant upon Claim 29 which does not exist. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8-14, 16-18, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Farley, U.S. Patent No. 6,325,930 B2.

Regarding Claim 1, Farley discloses a water filter, comprising: a body portion (#22, 24) having an opening; a face portion (#56), the face portion and body portion enclosing the water filter assembly (#38); wherein the water filter assembly is comprised of a recess (#42) for accepting a pivotable element (#16), the pivotable element operatively connected to a threaded inlet (#12) for accepting water; wherein the threaded inlet is positioned outside the body portion when the water filter assembly resides in the body portion (Fig. 2).

Regarding Claim 2, Farley discloses that the face portion is comprised of a plurality of exit openings for passing water out of the water filter (Col. 3, Lines 31-36).

Regarding Claim 3, Farley discloses that the body portion and face portion are adapted with matching threads (#26, 28) allowing the body portion and the face portion to be releasably coupled together to form a showerhead.

Regarding Claim 4, Farley discloses that the water filter assembly is adapted with at least one opening (#44) in the recess for accepting water into the water filter assembly and wherein the pivotable element is comprised of at least one opening for allowing water to exit into the at least one opening in the recess (Fig. 2).

Regarding Claim 5, Farley discloses a sealing ring in the recess for preventing water leakage (#30).

Regarding Claim 8, Farley discloses that the water filter assembly is comprised of an exit end having at least one opening (#48) for allowing water to exit the water filter assembly.

Regarding Claim 9, Farley discloses that that the body portion and face portion are adapted with matching threads allowing the body portion and the face portion to be releasably coupled together to form a showerhead (Fig. 2) and wherein the face portion is comprised of a plurality of exit openings for passing water out of the water filter (Col. 3, Lines 31-36).

Regarding Claim 10, Farley discloses that the exit end of the water filter assembly is releasably connected to the face portion and wherein the water exiting the exit end of the water filter flows out of the plurality of exit openings in the face portion (Fig. 2).

Regarding Claims 11-12, Farley discloses that the water filter assembly is disposable after removing the water filter assembly from the body portion and after removing the pivotable element from the recess (Col. 3, Line 61 - Col. 4, Line 2).

Regarding Claim 13, Farley discloses that the pivotable element is a ball joint (#16).

Regarding Claim 14, Farley discloses a showerhead water filter, comprising: a body portion (#22, 24) having an opening; a face portion (#56) releasably coupled to the body portion,

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wherein the face portion is comprised of a plurality of exit openings for passing water out of the water filter (Col. 3, Lines 31-36), and wherein the face portion and body portion are coupled to form a showerhead; a water filter assembly (#38) adapted to reside in the body portion, wherein the water filter assembly is comprised of a recess (#42) for accepting a pivotable element (#16), the pivotable element operatively connected to a threaded inlet (#12), wherein the threaded inlet has an inlet passage for accepting water.

Regarding Claim 16, Farley discloses that the threaded inlet is positioned outside the body portion when the water filter assembly resides in the body portion (Fig. 2).

Regarding Claim 17, Farley discloses that the water filter assembly is held completely within the body portion (Fig. 2).

Regarding Claim 18, Farley discloses that the body portion comprises about 80 percent of the axial length of the showerhead and wherein the face portion comprises approximately 20 percent of the axial length of the showerhead (Fig. 2).

Regarding Claim 21, Farley discloses a water filter, comprising: a body portion (#22, 24) having an opening; a water filter assembly (#38) adapted to reside in the body portion, wherein the water filter assembly is comprised of a recess (#42) for accepting a pivotable element (#16), the pivotable element operatively connected to a threaded inlet (#12), wherein the threaded inlet has an inlet passage for accepting water; a face portion having a plurality of exit openings for passing water out of the water filter (Col. 3, Lines 31-36).

Regarding Claim 22, Farley discloses that the face portion (#56) is releasably coupled to the body portion, wherein the face portion is comprised of a plurality of exit openings for passing water out of the water filter (Col. 3, Lines 31-36), and wherein the face portion and body portion are coupled to form a showerhead.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 6-7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farley in view of Amdahl, U.S. Patent No. 5,653,548.

Regarding Claims 6-7 and 15, Farley does not disclose flexible side portions retaining the pivotable element. Amdahl discloses an annular opening (#120) formed in part by a plurality of flexible side portions (#320) that releasably retain a pivotable element. It would have been obvious to one of ordinary skill in the art to modify Farley with the element of Amdahl because it is a common ball and socket joint structure which provides a tight fitting joint (Col. 1, Lines 5-12).

6. Claims 19-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farley in view of Fienhold et al., U.S. Patent No. 4,190,207.

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Regarding Claim 19-20, Farley discloses openings (#44, 48) for allowing water passage through the filter assembly but does not disclose openings located below the pivotable element. Fienhold teaches a showerhead comprising a plurality of openings (#119) located below the pivotable element. It would have been obvious to one of ordinary skill in the art to modify Farley with the element of Fienhold because it is a structure common in swivel ball fittings of showerhead. Further, one of skill in the art would by routine experimentation find the optimum size of the openings. It would have been obvious to one of skill in the art to make the openings of Farley in view of Fienhold as so desired or required, including as claimed to optimize filtration.

Regarding Claim 23, Farley discloses that the threaded inlet portion lies outside the body portion and is operatively attached to a water pipe (Col. 2, Lines 29-35) but does not disclose a releasably coupled pivotable element. Fienhold discloses a showerhead comprising a releasably coupled pivotable element (Fig. 3). It would have been obvious to one of ordinary skill in the art to modify Farley with the element of Fienhold because they are both pivotable showerheads.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yoon-Young Kim whose telephone number is (571) 272-2240. The examiner can normally be reached on 8:30-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YK

11/21/05


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